

REMARKS

Applicant has carefully reviewed the Office Action dated August 27, 2003. Applicant has amended Claims 1 and 19 to more clearly point out the present inventive concept. Claims 10, 11, 12, 13, 14, 15, 16, 17, and 18 have been canceled. Claims 1-9 and 19-28 are pending in this application. Reconsideration and favorable action is respectfully requested.

Claims 1-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Hudetz et al.*, U. S. Patent No. 5,978,773 in view of *Chiu et al.*, U. S. Patent No. 5,355,146. This rejection is respectfully traversed with respect to the amended claims, noting that Claims 10-18 have been canceled.

Applicant's present inventive concept, as defined by the amended claims, is directed toward a system that provides the ability of a user to operate a computer that runs a first application program in the foreground. During the operation of this program, a mouse or pointing device is operable to detect positional data on an external surface and, with movement of this pointing device, moving an optical indicator on the display that is associated with the user's computer, and then displays information associated with the running of the first application program. In the operation of this first application program, the user can use the pointing device to scan an optical code to extract information therefrom, this optical code possibly being disposed on a separate surface from that used for the operation of the mouse during the operation of the first application program. When this optical code is scanned, the information is extracted therefrom and connection made to an intermediate computer for the purpose of determining routing information to a vender web site that is associated with the product ID code and an associative database. This information is then returned to the user computer and displayed simultaneously with the display associated with the operation of the first application program. This operation of detecting, determining the routing information and connecting the user computer to the remote vender server followed by displaying the information therefrom is facilitated with second background operating program.

AMENDMENT AND RESPONSE

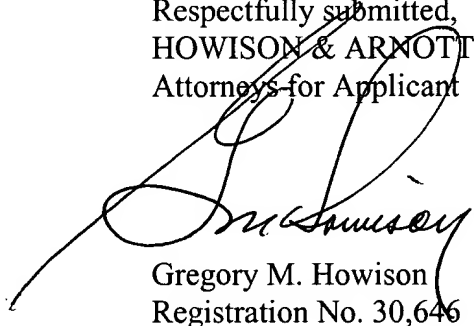
S/N 09/490,336

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The *Hudetz* reference does not have any way of operating a first application program with a pointing device that has the ability to both optically scan information and provide a "mouse" function. The scanner in *Hudetz* is a separate independent wand scanner. The addition of the *Chiu* reference thereto merely provides information associated with the pointing device. However, there is no disclosure in either of *Hudetz et al.* or *Chiu et al.* that provides any teaching to the concept of providing a foreground application program that utilizes the mouse and a background program utilizing a device with scanner and mouse functionality, both providing a single pointing device. As such, Applicant believes that the claims as amended distinguish over the combination of *Hudetz* and *Chiu et al.*, as neither *Hudetz* nor *Chiu et al.*, taken singularly or in combination, render Applicant's present inventive concept as defined by the amended claims obvious or unpatentable. Applicant therefore respectfully requests the withdrawn of 35 U.S.C. §103(a) rejection with respect to the remaining claims.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,896 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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